

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THOIP (a Chorion Limited Company),

Plaintiff,

-against-

David and Goliath, Inc.,

Defendant.

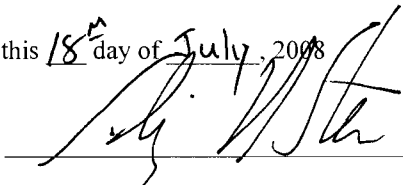
08 CV 00963 (SHS) (GWG)

**STIPULATION AND ORDER OF DISMISSAL  
WITH PREJUDICE**

This matter having come before the Court and it being represented that plaintiff THOIP (a Chorion Limited Company) ("Plaintiff"), and defendant David and Goliath, Inc. ("Defendant"), (together, the "Parties") have reached final agreement on settlement of the claims made in this action (the "Action"), the Parties file this Stipulation of Dismissal with Prejudice pursuant to Federal Rule of Civil Procedure 41, dismissing all claims in the above captioned Action, and leaving no remaining claims.

All claims asserted by Plaintiff against Defendant in this Action and all claims, counterclaims, cross-claims, and affirmative defenses to be asserted in this Action by Defendant against Plaintiff are hereby discontinued and dismissed with prejudice and each party will bear its own costs, including attorneys' fees.

SO ORDERED, this 18<sup>th</sup> day of July, 2008

  
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HON. SIDNEY H. STEIN, U.S.D.J.